



February 6, 2015

SENATE BILL No. 292

DIGEST OF SB 292 (Updated February 4, 2015 11:52 am - DI 106)

Citations Affected: IC 33-33.

Synopsis: St. Joseph County courts. Allows the: (1) judge of the St. Joseph circuit court to appoint one additional full-time magistrate, without considering the political affiliation of a candidate for magistrate, for a total of three full-time magistrates; and (2) judges of the St. Joseph superior court to jointly appoint two additional full-time magistrates for a total of four full-time magistrates, not more than two of whom may be from the same political party. Provides that meetings of the St. Joseph judicial nominating commission (commission) must be held at a place in: (1) the St. Joseph County courthouse; or (2) another building owned or operated by St. Joseph County; in South Bend as the clerk of the St. Joseph superior court may arrange. Provides that the commission shall act only by the concurrence of a majority of its members.

Effective: July 1, 2015.

Zakas

January 8, 2015, read first time and referred to Committee on Judiciary.
February 5, 2015, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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February 6, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 292

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-33-71-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The judge of the
3 St. Joseph circuit court may appoint ~~two (2)~~ **three (3)** full-time
4 magistrates under IC 33-23-5 to serve the circuit court. **In making an**
5 **appointment under this section, the judge may not consider the**
6 **political affiliation of a candidate for magistrate.**
7 (b) A magistrate continues in office until removed by the judge.
8 SECTION 2. IC 33-33-71-36 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 36. (a) When a vacancy
10 occurs in the St. Joseph superior court, the clerk of the court shall
11 promptly notify the chairman of the commission of the vacancy. The
12 chairman shall call a meeting of the commission within ten (10) days
13 following this notice. The commission shall submit its nominations of
14 five (5) candidates for each vacancy and certify them to the governor
15 as promptly as possible, and not later than sixty (60) days after the
16 vacancy occurs. When it is known that a vacancy will occur at a

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1 definite future date within the term of the serving governor, but the
 2 vacancy has not yet occurred, the clerk shall notify the commission
 3 immediately. The commission may within fifty (50) days of the notice
 4 of vacancy make its nominations and submit to the governor the names
 5 of five (5) persons nominated for the forthcoming vacancy.

6 (b) Meetings of the commission shall be called by the chairman or,
 7 if the chairman fails to call a necessary meeting, upon the call of any
 8 four (4) members of the commission. The chairman, whenever the
 9 chairman considers a meeting necessary, or upon the request by any
 10 four (4) members of the commission for a meeting, shall give each
 11 member of the commission at least five (5) days written notice by mail
 12 of the time and place of every meeting unless the commission at its
 13 previous meeting designated the time and place of its next meeting.

14 (c) Meetings of the commission must be held at a place in:

15 (1) the St. Joseph County courthouse; or

16 (2) **another building owned or operated by St. Joseph County;**
 17 in South Bend as the clerk of the St. Joseph superior court may arrange.

18 (d) The commission shall act only at a meeting and may act only by
 19 the concurrence of a majority of its members. ~~attending a meeting.~~ Four
 20 (4) members are required to constitute a quorum at a meeting. The
 21 commission may adopt reasonable and proper rules and regulations for
 22 the conduct of its proceedings and the discharge of its duties.

23 SECTION 3. IC 33-33-71-69, AS AMENDED BY P.L.127-2008,
 24 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2015]: Sec. 69. (a) The **superior** court may **jointly** appoint
 26 ~~two (2)~~ **four (4)** full-time magistrates under IC 33-23-5 to serve the
 27 court using the selection method provided by IC 36-1-8-10(b)(1) or
 28 ~~IC 36-1-8-10(b)(2).~~ **IC 36-1-8-10(b)(3).** Not more than ~~one (1)~~ **two (2)**
 29 of the magistrates appointed under this section may be a ~~member~~
 30 **members** of the same political party.

31 (b) A magistrate continues in office until **jointly** removed by the
 32 judges of the court.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 292, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, delete "court using the" and insert "court. **In making an appointment under this section, the judge may not consider the political affiliation of a candidate for magistrate.**".

Page 1, delete lines 5 through 8.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 292 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

